

## **REVISED ARMY WAIVER/LEGISLATIVE CHANGE PROCESSES**

### **1. Governing Policies:**

a. Message, DACS-ZD, DTG 221700Z Apr 97, subject: Reengineered Legislative Change Process.

✓ b. Memorandum, Under Secretary of Defense, 2 Apr 97, subject: Revised DoD Waiver Policy.

✓ c. Memorandum, Secretary of the Army, 14 Aug 95, subject: Revised Waiver Authority for Army Reinvention Centers and Laboratories.

d. Memorandum, Secretary of Defense, 23 May 95, subject: Revised Waiver Authority for Reinvention Laboratories and Centers.

✓ e. Message, Secretary of the Army, DTG 092001Z Aug 94, subject: Delegation of Waiver Authority.

f. Memorandum, Secretary of Defense, 28 Mar 94, subject: Waiver Authority.

2. **General:** To make the reinvention/reengineering process more responsive to the needs of Army reinvention centers and laboratories, two significant improvements have been made to the waiver and "Fast Track" legislative change processes. These changes are: 1) Waiver Dispute Resolution Process, 2) Reengineered Legislative Change Process. These improvements are intended to standardize and clarify the duties and responsibilities of the submitting agencies and HQDA Staff proponents/ Reengineering Legislative Working Group (RLWG).

3. **Core Waiver Process:** Waivers to Army regulations or policies will comply with the Secretary of the Army's (SA) waiver policy as outlined in reference 1c. Within two days of approval, the submitting center and/or lab will notify the Office of the Director of Management (DM) (DACS-DMC-P) by email, fax or hard copy of the approved waiver. Within 24 hours, DM will assign a HQDA waiver number and provide a copy of the approved waiver to the HQDA Staff Principal and Army General Counsel (GC) for action. If the HQDA Staff Principal receives a waiver directly from the reinvention centers or labs, contact DM at (703) 602-2723 immediately to initiate the prescribed notification process. The paragraph below depicts the current process including the dispute resolution changes:

a. **HQDA Staff Principal does not object to the waiver request:** If the HQDA Staff Principal with responsibility for the affected Army regulation or policy or the GC does

not object to the waiver, no action is required. The submitting reinvention center or organization continues with implementation of the waiver.

b. HQDA Staff Principal objects to the waiver request: In those instances when the HQDA Staff Principal or the GC objects to the waiver, within 5 working days of receipt of the waiver the HQDA Staff Principal or GC will notify the submitting reinvention center or lab and the DM, of the objection. Upon receipt of notice of the HQDA Staff Principal or GC objection, the submitting reinvention center or lab will maintain the status quo and defer implementation of the waiver until the issues are resolved as follows: All parties involved shall work together to resolve any issue precluding agreement on the provisions of the waiver proposal or to amend the request to achieve agreement. The DM, if required, will arrange to convene a group to achieve this end. If the parties do not agree, they will work together to produce a joint report package within 30 days of receipt of the waiver package by the HQDA Staff Principal. The HQDA Staff Principal will prepare a joint report package that will contain the following elements:

- (1) Identification of resolved and unresolved issues.
- (2) Clear statement of the waiver request (original or revised) as it stands at that time and waiver authority.
- (3) Specific statement by the HQDA Staff Principal or GC addressing each of the points of the waiver that are under dispute.
- (4) Specific reasons from the HQDA Staff Principal or GC on why the SA should deny the proposal.

The proposed joint report package, shall be forwarded through the Director of the Army Staff (DAS) to the SA for resolution when the parties involved cannot agree on all issues. The SA is the only designated authority to disapprove a waiver proposal. After the SA approves or disapproves the waiver, the package is returned to the DM for dissemination to the originating reinvention laboratory with copies furnished to the HQDA Staff Principal and GC.

c. Waivers from organizations outside of a Reinvention Center or Laboratory: For all non-reinvention waivers, the Secretary of Defense's March 28, 1994, memorandum remains in effect. Waiver requests are submitted to DM, who staffs them to the HQDA Staff Principal and GC. If both agree with the waiver, the HQDA Staff Principal is responsible for informing the submitting organization and DM of the approval. If the waiver is to a DoD Instruction, Directive or Publication and the HQDA Staff Principal and GC recommend forwarding to OSD, the proposal and recommendation should be returned to DM for review and further processing. The DM will send the waiver directly to the Office of the Under Secretary of Defense (Comptroller)/Directorate of

Management Improvements (formerly the Performance Improvements & Management Reengineering) for processing within OSD. If the Army Staff Principal objects to the waiver, procedures for objection previously outlined for reinvention centers and labs go into effect.

4. The second change deals with the reengineered legislative change process which is outlined below:

a. The authority to waive Army regulations/policies does not include authority to waive any regulation or other provision required by law. Reinvention centers and labs desiring to propose either a new law or a change to a law that supports their reengineering efforts shall submit the proposed legislation to the DM for the Reengineering Legislative Change Process. All proposals will support Army reengineering and reinvention initiatives, be submitted in accordance with Section 2, DA Memo 340-6; be approved by the Commander; have a "champion" empowered to speak for the commander and also to serve as the point of contact through the entire legislative change process; and the proposal does not violate the pay-as-you-go (PAYGO) provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990. Reinvention Centers and Labs will use the following guidelines when preparing proposals for submission. Submitted proposals will include the following:

- Detailed description of the proposal
- A justified statement with supporting background information
- An explanation of how the proposal furthers reengineering and reinvention objectives
- Projected cost savings/avoidance data
- A legal opinion, including the existing laws and statutes that would be affected
- Potential applicability across DoD
- Name of the MACOM champion

b. Once the DM receives the proposal, the RLWG will meet to consider the proposal's probability of success, economic pay back, applicability across DoD, and its ability to garner a unified Army position. The RLWG will provide its recommendations for the proposal to the DAS, who will determine whether or not the proposal will be expedited or processed through routine legislative channels.